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NO. 9473 P. 12

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ATTORNEY DOCKET NO. 05125.0001U1  
APPLICATION NO. 09/944,288

**REMARKS**

Claims 1-21 of the Application stand rejected under 35 U.S.C. § 103(a) as being obvious. Claims 1-3, 12-14, and 17-19 were rejected as being obvious over U.S. Publication 2001/0047460 to Kobayashi, et al. ("Kobayashi") in view of U.S.P.N. 6,810,478 to Anand, et al. ("Anand") in further view of U.S. Publication 2002/0059263 to Shima, et al. ("Shima"). Claims 4-10, 15, and 20-21 were rejected as being obvious over a combination of Kobayashi, Anand, Shima, and U.S. Publication 2002/0162010 to Allen, et al. ("Allen"). Claims 11 and 16 were rejected as being obvious over a combination of Kobayashi, Anand, Shima, Allen, and U.S.P.N. 6,343,287 to Kumar, et al. ("Kumar"). Claims 1, 3-4, 7-10, and 17-21 are cancelled and claims 22-27 are newly added by amendment.

In view of the Remarks, the Applicant respectfully asserts that the pending claims of the Application are allowable for at least the reason that the cited references do not disclose every element of the independent claims, for at least the reason that there is no motivation to modify or combine the cited references, and for at least the reason is there is no reasonable expectation of success for the alleged combinations.

**Rejections under 35 U.S.C. § 103(a)**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings to arrive at the claimed invention. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991).

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Independent Claim 22

Claim 22 represents cancelled claim 4 rewritten into independent form, and recites a method for automatically booting a diskless host computer upon being connected to a Fibre Channel network. Support for claim 22 can be found in the application as-filed at least at page 3, lines 10-13; page 6, lines 14-26; page 8, lines 4 to page 10, line 8; and cancelled claims 1, 3, and 4. Since claim 22 contains elements from claim 4, which depended from claim 3, which depended from claim 1, rejections relating to cancelled claims 1, 3, and 4 will be discussed.

Claim 22 recites in relevant part:

A method for automatically booting a diskless host computer upon being connected to a Fibre Channel network, comprising:

...  
receiving at a Fibre Channel switch a World Wide Name (WWN) from the diskless host computer in accordance with a Fibre Channel log-in protocol

To support a rejection of claim 1, the Office Action stated:

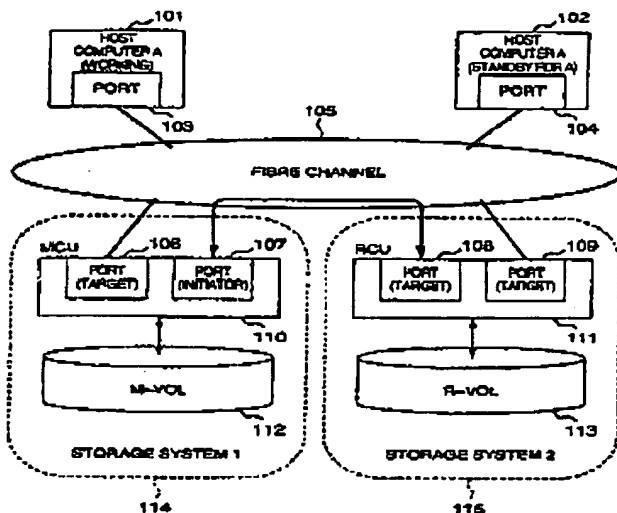
As per claim 1, 12, 17, Kobayashi teaches a method for adding a host computer to a storage-area network having a data storage system on which are stored a plurality of configurations (Fig. 1), comprising:

...  
receiving an identifier transmitted by the host computer via the network (Abstract); (Emphasis added)

Fig. 1 of Kobayashi discloses:

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FIG. 1



The Abstract of Kobayashi discloses:

A plurality of storage systems are connected by a fibre channel so that remote copy can be made through the fibre channel. At the time of remote copy, World Wide Name is used in order for the storage systems to recognize each other and be connected together. The World Wide Name is information unique to port, and depends upon boards having ports. The storage system as the copy source sends a login request including other information than the World Wide Name from which the login from the storage system can be recognized, while the storage system on the login receiving side sends back information indicative of a port that can participate in the remote copy, so that a storage system and port hopeful for remote copy can be decided from the remote site only when the login from the storage system can be recognized. (Emphasis added)

Fig. 1 of Kobayashi discloses storage systems and host computers connected by a Fibre Channel. The Abstract of Kobayashi discloses copying between remote storage systems and the use of World Wide Web Name to recognize storage systems. In contrast, claim 22 recites a step for receiving an identifier transmitted by the diskless host computer. Thus, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that Kobayashi does not disclose the receiving step of claim 22.

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Claim 22 recites in part "providing the diskless host computer access to a storage device on which the operating system is stored."

To support a rejection of claim 1, the Office Action asserted that Kobayashi discloses:

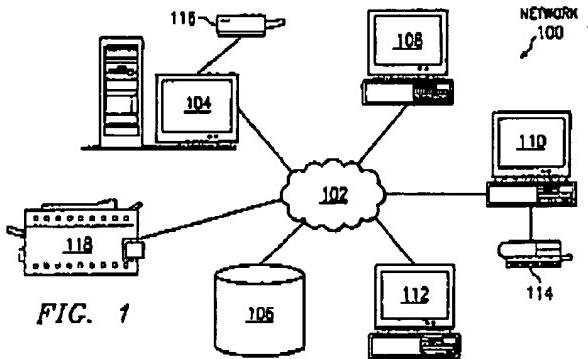
providing the host access to a storage device on which the operating system is stored (Abstract);

The Abstract of Kobayashi is provided above, and it can be seen that it does not disclose an "operating system" as alleged in the Office Action. Further, the Applicant searched Kobayashi and did not find a single reference to an "operating system." Thus, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that Kobayashi does not disclose providing the host access to a storage device on which the operating system is stored as recited in claim 22.

To support a rejection of claim 1, the Office Action stated:

Anand teaches physically connecting the diskless host computer to the network (col. 1, lines 27-30; Fig. 1);

Fig. 1 of Anand only discloses:



Anand at Col. 1, lines 27-30 only discloses:

BOOTP was developed to be used by a diskless workstation or network computer (NC) to obtain its own IP address, the IP address of a boot server, and the name of the file on that boot server that the client could request to start the download of its OS.

The language and figure from Anand, provided above, do not disclose the step of

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physically connecting a diskless host computer to a network. Thus, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that Anand does not disclose a step for physically connecting a diskless host computer to the network as recited in claim 22.

To support a rejection of claim 1, the Office Action stated "Shima teaches different OS systems. (Shima at Abstract)."

The Abstract of Shima only discloses:

Files in various file formats for different operating systems coexist even under the environment where a number of storage devices are connected to a faster data transfer network such as SAN. The storage management so far has been always attained under the control of an operating system of a host. The present invention provides a SAN-FM server, having a SAN-FS for converting files in a format specific to the operating system into files in a format common to the SAN, for managing files on the storage devices from a SAN-FM to allow to access by a common file among storage devices. (Emphasis added).

Claim 22 recites in relevant part:

looking up a configuration corresponding to the received identifier, each configuration including an operating system different from the operating system of all other configurations of the plurality of configurations;

The Office Action is unclear regarding which step of claim 1 (now cancelled) it alleges is disclosed by the Shima Abstract. Claim 1 recited a method comprising a series of steps. For a method claim to be rendered obvious, each method step must be taught or disclosed by the prior art.

If it was intended that the Office Action allege that the Abstract of Shima discloses looking up a configuration corresponding to the received identifier, each configuration including an operating system different from the operating system of all other configurations of the plurality of configurations as recited in cancelled claim 1, the Abstract of Shima does not meet that burden. The above-cited excerpt from Shima addresses converting files into a commonly used format. The Applicant respectfully asserts that converting files into a commonly used format does not disclose, and is not relevant to, a step for looking up a configuration corresponding to the received identifier, each configuration including an operating system

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different from the operating system of all other configurations of the plurality of configurations as recited in claim 1. Therefore, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that Shima does not disclose looking up a configuration corresponding to the received identifier, each configuration including an operating system different from the operating system of all other configurations of the plurality of configurations as recited in claim 22.

To support a rejection of claim 1 as obvious, the Office Action stated:

Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teachings of Kobayashi to explicitly add physically connecting the diskless host computer to the network, looking up a configurations, the host booting from the operating system stored on the storage device as taught by Anand to look up configuration based on an identifier in order boot multiple systems over a network. (Anand at col. 1, lines 9-13) (Emphasis added)

Broad, conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." In re Dembiczkak, 175 F.3d 994, 999 (Fed Cir. 1999). The suggestion or motivation asserted must be supported by objective evidence. Id. An Examiner must support any motivation to combine argument with a convincing line of reasoning. Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985); M.P.E.P. § 2144. The fact that references can be combined or modified is not sufficient to establish prima facie obviousness. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

To provide a motivation to modify Kobayashi with Anand, the Office Action cites to the Technical Field of Anand, which only discloses:

The present invention relates to client computers that are bootable over a network and, in particular, to the remote booting of multiple operating systems by those client computers.

The Technical Field of Anand, as seen above, only describes the invention of Anand in general terms. The Office Action asserts that the Technical Field of Anand provides a motivation to modify Kobayashi with Anand, but says nothing about the teachings of Kobayashi nor why, with clear reasoning and objective evidence, one of skill in the art would be motivated to modify the remote copy system of Kobayashi with Anand. Thus, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that the Office Action's broad conclusory

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statement regarding a motivation to modify, which is unsupported by clear reasoning and objective evidence, fails to provide a motivation to modify Kobayashi with Anand and arrive at the claimed invention.

Further, when making an obviousness rejection, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that a claimed invention is rendered obvious. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 U.S.P.Q. (BNA) 543, 547 (Fed. Cir. 1985). Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference suggests to one of ordinary skill in the art.

In the present case, the conclusory statement provided in the Office Action shows that the alleged motivation to modify Kobayashi with Anand is the result of impermissible hindsight reconstruction. Specifically, only when the invention of claim 1 is used as a template to piece together the prior art could such a conclusory motivation be made. Thus, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that the motivation to modify Kobayashi with Anand is the result of impermissible hindsight reconstruction.

To support a rejection of claim 1 as obvious, the Office Action further stated:

One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Kobayashi, and Anand in order to boot different computers on the network from a server. (Kobayashi at Col. 1, lines 10-13).

The Applicant respectfully asserts that Office Action fails to provide the required motivation to combine Kobayashi with Anand. Specifically, the Office Action alleges that one of skill in the art would be motivated to combine Kobayashi with Anand "in order to boot different computers on the network from a server." The Applicant would like to point out that the provided reason, "in order to boot different computers on the network from a server", is nothing more than a generic statement of the invention of Anand. Anand at Col 1, lines 10-13; and Col. 2, lines 39-52. Thus, the Office Action is effectively stating that:

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One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Kobayashi, and Anand in order to [accomplish the invention of Anand].

Since Anand already accomplishes the result of "boot[ing] different computers on the network from a server", there is no motivation to combine Kobayashi with Anand since Anand already accomplishes the asserted function. In other words, there is no motivation or need to combine Kobayashi with Anand in order to achieve what Anand already discloses. Thus, the Office Action fails to provide the required motivation to combine Kobayashi with Anand.

The Applicant further asserts that the citation to Kobayashi fails to provide a motivation to combine Kobayashi with Anand. The cited language from Kobayashi only discloses:

1. Description of Related Art

Volumes (stored data) of a storage system such as a disk storage unit of a computer system have so far been copied into another storage system in a remote place.

The Applicant fails to see how the cited language from Kobayashi is relevant to the alleged motivation to combine. First, the Description of Related Art of Kobayashi clearly has nothing to do with the asserted motivation to combine of "boot[ing] different computers on the network from a server." Second, the Description of the Related Art broadly describes the state of the prior art with respect to Kobayashi. The Applicant respectfully asserts that such a statement of the prior art with respect to Kobayashi does not provide any motivation to combine the inventions of Kobayashi with Anand, much less a motivation to combine Kobayashi with Anand in order to arrive at the claimed invention as is required for *prima facie* case of obviousness. Accordingly, claim 22 is allowable for at least the reason that the Office Action fails to provide the required motivation to combine Kobayashi with Anand.

Claim 22 is also allowable for at least the reason that Kobayashi teaches away from the invention of claim 22. References cannot be combined where a reference teaches away from the claimed invention. M.P.E.P. § 2145, § 2143.01 and § 2141.02; In re Grasselli, 713 F.2d 731, 743 (Fed. Cir. 1983). "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." In Re

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Gurley, 27 F.3d 551, 533 (Fed. Cir. 1994). Further, the level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308 (Fed. Cir. 1999); M.P.E.P. § 2143.01.

As discussed above, Kobayashi discloses remote copying between storage devices. According to Kobayashi, data in a storage device is stored on a disk storage unit. Kobayashi at [0004]. In contrast, claim 22 recites a method for automatically booting a diskless host computer upon being connected to a network. The Applicant respectfully asserts that one of skill in the art at the time of invention, when considering remote copying between disk drive storage units as disclosed in Kobayashi, would be directed away from a method for automatically booting a diskless host computer as recited in claim 22. Accordingly, claim 22 is allowable for at least the reason that Kobayashi teaches away from the invention of claim 22 and so it not a proper obviousness reference.

The Office Action also alleges that it would have been obvious to modify the teachings of Kobayashi and Anand to incorporate elements from Shima, and that it would have been obvious to combine Kobayashi, Anand, and Shima. These motivations to modify and combine also fail for at least the reason that the Office Action only asserts that it would have been obvious to modify and combine the references in order to accomplish what is allegedly within the invention of Shima. Further, paragraph [0006] of Shima, which is cited to support an alleged motivation to combine the references, only discusses the prior art with respect to Shima. Thus, the Applicant asserts that claim 22 is allowable for at least the reason that there is no motivation to modify or combine Kobayashi, Anand, and Shima in order to arrive at the invention of claim 22.

The Applicant respectfully asserts that a *prima facie* case of obviousness must show a motivation to modify or combine the references to arrive at the claimed invention, which must be considered as a whole. The alleged motivations to modify and combine fail for at least the reason that none provide reasoning, supported by objective evidence, as to why one of skill in the art would be motivated to modify or combine the references to arrive at the invention of claim 1. Thus, claim 22 is allowable for at least the reason that the alleged motivations to modify and combine are improper because they provide no reasoning, supported by objective evidence, showing why one of skill in the art would be motivated to modify or combine the references in

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order to arrive at the invention of claim 1.

To create a *prima facie* case of obviousness, the prior art must also provide a reasonable expectation of success for the proposed combination. In re Dow Chem. Co., 837 F.2d 469, 473 (Fed Cir. 1988). As discussed above, the Office Action does not provide a motivation to modify or a motivation to combine Kobayashi, Anand, and Shima in order to arrive at the invention of claim 1. Since there is no motivation to combine the references and arrive at the invention of claim 1, there can be no expectation of success for combining the references. Accordingly, claim 22 is allowable for at least the reason that there can be no expectation of success at combining the references to arrive at the invention of claim 22.

Further, it must be shown that there would have been a reasonable expectation of success at the time the invention was made. M.P.E.P. § 2143.02. Claim 22 is allowable for at least the reason that the Office Action fails to show that there would have been a reasonable expectation of success at the time that the claimed invention was made.

To support a rejection of claim 4, the Office Action stated:

Allen teaches wherein the steps of looking up a configuration comprises: . . . and the control station computer looking up the configuration in a database in response to the WWN, each WWN having a corresponding configuration(paragraph 28, 49, 53).

Claim 22 recites in relevant part:

looking up by the control station computer the configuration in a database in response to the WWN, each WWN having a corresponding configuration;

The cited paragraphs from Allen only disclose:

[0028] It has been discovered that a unique identifier, such as a device's vendor identifier, product identifier, and serial number can be obtained from devices attached to the Fibre Channel network through a bridge or storage enclosure. A command protocol, such as SCSI, is used to communicate with a device attached to a Fibre Channel to SCSI bridge or contained within a storage enclosure (the "remote devices"). A unique identifier, such as a device's vendor identifier, product identifier, and serial number, stored within the remote device is returned to the Fibre Channel connected device or devices (the "FC device"). The unique

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identifier received from the remote device is stored by the requesting FC device.

[0049] FIG. 3a shows a block diagram of a local Fibre Channel device using a SCSI device before the device is swapped for another SCSI device. Fibre Channel interconnect 300 is shown with NameServer 302, Fibre Channel Host Device (FC-Device 320), and Fiber Channel to SCSI Bridge (Bridge 330) attached. NameServer 302 includes mappings table 305 that further includes the World Wide Name (WWN 310) and dynamic Fibre Channel Address (FC Address 315) for each attached Fibre Channel device. FC-Device 320 and Bridge 330 each have a World Wide Name and a dynamic Fibre Channel address. In addition, Bridge 330 serves as a gateway between one or more SCSI devices and Fibre Channel interconnect 300. In the example shown, SCSI Device A (340) is currently attached to Bridge 330. When FC-Device 320 wishes to use SCSI Device A (340), it obtains a device identifier associated with SCSI Device A. The device identifier includes the serial number corresponding to the device and may further include the product identifier and vendor identifier corresponding to the device. The vendor identifier is used in case two vendors use an identical serial number, while the product identifier is used in case if a vendor uses the same serial numbers on different lines of products. The device identifier for SCSI Device A is obtained and sent (message 360) from SCSI Device A to Bridge 330. Bridge 330, in turn, sends message 365 (containing SCSI Device A's device identifier) over Fibre Channel interconnect 300 to FC-Device 320. FC-Device 320 receives the device identifier information in incoming message 370 from the Fibre Channel interconnect. On a first use of a SCSI device, FC-Device 320 stores the device identifier to use as a comparator for subsequent operations. During subsequent operations, the device identifier received in incoming message 370 is compared with the previously received and stored serial number. During a first use of a SCSI device, or during subsequent uses where the device identifier is matched successfully, FC-Device 320 sends or receives data from SCSI device A. Data being sent from FC-Device A is sent to Bridge 330 as outgoing data packet 375. Data packet 375 might also include commands or instructions used by SCSI Device A in handling the data. The data packet is received from Fibre Channel interconnect 300 at Bridge 330 as incoming data packet 380. Bridge 330 passes the data onto SCSI Device A 340 as incoming SCSI data 385. Data sent from SCSI Device A 340 to FC-Device 320 travels the opposite direction. In this case, outgoing SCSI data

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385 is sent from SCSI Device A 340 to Bridge 330. Bridge 330 sends data packet 380 to Fibre Channel interconnect 300 and addressed to FC-Device 320. FC-Device 320 receives incoming data packet 375 through one of its ports attached to Fibre Channel interconnect 300.

[0053] FIG. 4 shows a high level flowchart of a local device obtaining a unique identifier from a remote device and communicating with the remote device. A World Wide Name (WWN) assigned to the remote device is received from a NameServer entity attached to the Fibre Channel interconnect (input 405). A SCSI INQUIRY command is sent to the remote SCSI device (step 410). In response to the command, standard INQUIRY DATA is retrieved from the SCSI device and the vendor identifier and product identifier corresponding to the SCSI device are extracted (step 415). The vendor identifier and product identifier are used to determine whether the SCSI device configuration is known (decision 420). This decision is performed by comparing the vendor identifier and product identifier with known information about devices stored or accessible by the local device, such as a table containing the vendor identifiers and product identifiers of various devices. If the retrieved vendor identifier and/or product identifier is located in the table of known SCSI devices, "yes" branch 422 is taken whereupon a predefined process is executed to retrieve the serial number from the device (predefined process 425, see FIG. 5 for further details). On the other hand, if the device is not located in the table of known SCSI devices, "no" branch 428 is taken whereupon another predefined process is executed to retrieve the serial number from the unknown SCSI device (predefined process 430, see FIG. 6 for further details).

The Applicant respectfully asserts that the above cited language does not disclose looking up by the control station computer the configuration in a database in response to the WWN, each WWN having a corresponding configuration as recited in claim 22. Specifically, the cited language from Allen does not disclose a control station computer nor looking up by the control station computer a configuration as recited in claim 22. The cited language further does not disclose a database where a control station computer can lookup a configuration in response to a WWN as recited in claim 22. Thus, claim 22 is allowable for at least the reason that the cited language from Allen does not disclose looking up by the control station computer the

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configuration in a database in response to the WWN, each WWN having a corresponding configuration as recited in claim 22. If the Examiner disagrees with the Applicant's conclusion, the Applicant respectfully requests clarification of the Examiner's citation and reasoning.

Claim 22 is also allowable because the Office Action does not provide a motivation to modify or combine Kobayashi, Anand, Shima, and Allen in order to arrive at the invention of claim 4. Specifically, the Office Action alleges that one of skill in the art would be motivated to modify the references to arrive at the invention of claim 4 by asserting that one of skill in the art would be motivated to modify the references in order "to keep track of devices that are connected to the Fibre Channel(Allen, paragraph 0003)." Again, the Office Action alleges that there is a motivation to modify the references to arrive within the purported invention of one of the references. Since Allen already accomplishes the asserted motivating function, one of skill in the art has no reason to modify Allen to accomplish the motivating function, nor any reason to modify the other references and combine them with Allen to accomplish the motivating function. Such a circular motivation fails to provide a reason why one of skill in the art, at the time of invention, would be motivated to modify the references to arrive at the invention of claim 4. In other words, such a circular motivation argument fails to indicate why one of skill in the art, at the time of invention, would have selected the cited references and combined them in the manner of claim 4. Thus, claim 22 is allowable for at least the reason that the Office Action does not provide the required motivation to modify the references and arrive at the claimed invention. Further, such a motivation to modify can only be the result of impermissible hindsight reasoning.

As was done for claim 1, the Office Action provides a circular argument to support a motivation to combine the references and arrive at the invention of claim 4. Similarly, the Applicant respectfully asserts that claim 22 is allowable for at least the reason that the Office Action does not provide the required motivation to combine the references and arrive at the claimed invention, and for at least the reason that the alleged motivation to combine can only be the result of impermissible hindsight reconstruction.

Claim 22 is also allowable for at least the reason that the Office Action has not satisfied the Graham inquiries as set forth in M.P.E.P. § 2141. Specifically, claim 22 is allowable for at least the reason that the Office Action has not: (1) ascertained the differences between the prior

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art and the claims in issue; and (2) resolved the level of ordinary skill in the pertinent art.

In view of the Remarks above, the Applicant respectfully asserts that claim 22 is allowable for at least the reasons that: (1) the cited references do not show every element of claim 22; (2) there is no motivation to modify or combine the cited references to arrive at the invention of claim 22; and (3) there is no reasonable expectation of success at modifying or combining the references, at the time of invention, to arrive at the invention of claim 22.

**Independent Claims 12 and 23**

Independent claim 12 has been amended to more clearly recite a system for automatically booting a diskless computer in response to being physically connected to a network. Support for the amendments can be found, for example, in the application as-filed at least at page 3, lines 10-13; page 6, lines 14-26; and page 8, lines 4 to page 10, line 8. The Applicant respectfully asserts that claim 12 is allowable for at least the reasons given for the allowability of claim 22.

Claim 23 has been newly added by amendment, and recites a method for automatically booting a diskless computer upon being physically connected to a network. Support for claim 23 can be found in the application as-filed at least at page 3, lines 10-13; page 6, lines 14-26; and page 8, lines 4 to page 10, line 8; and the claims as-filed. The Applicant asserts that claim 23 is allowable for at least the reasons given for the allowability of claim 22.

**Dependent Claims 2, 5-6, 11, 13-16, and 24-27**

Claims 24-27 have been newly added by amendment, and find support in the claims as-filed. The Applicant respectfully asserts that dependent claims 2, 5-6, 11, 13-16, and 24-27 are allowable for at least the reason that each depends directly or indirectly from an allowable claim.

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### CONCLUSION

In view of the Remarks, the Applicant respectfully requests that all outstanding rejections be withdrawn and that all pending claims of the Application be allowed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Jason S. Jackson  
Registration No. 56,733

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859  
(678) 420-9300  
(678) 420-9301 (fax)

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